



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Atty. Dkt.: 249-118

YOKOI *et al.*

Examiner: Spector

Appln. No.: 09/680,514

Group Art Unit: 1647

Filed: October 6, 2000

For: HG-CSF FUSION POLYPEPTIDE HAVING C-MPL ACTIVITY, DNA CODING
FOR SAME AND METHODS OF TREATING ANEMIA USING SAME

DECLARATION UNDER 37 C.F.R. §1.132

Commissioner for Patents
Alexandria, VA 22313-1450

Sir/Madam:

I, Yukimasa Shiotsu, of 341-35 Higashino, Nagaizumi-cho, Suntoh-gun, Shizuoka, Japan hereby declare as follows.

I graduated from the University of Tokyo and received Master degree from the University of Tokyo in March of 1991. I have been employed by Kyowa Hakko Kogyo Co., Ltd. since 1991 and received Ph.D from the University of Tokyo in March of 1999. I have been engaged in research and development of small compounds and growth factor, especially for evaluation of hematological effects on these molecules.

I am one of the co-inventors of the invention described and claimed in the application and have a full knowledge of the present invention and prior art.

Tests were carried out in the same manner as in Test Example 3 in the present specification at the time similar to the time when Test Example 3 was carried out. The resulting data are shown in the following Table.

TABLE

Solution to be tested	Concentration (ng/ml)	Expressed cells (%)	
		Gr-1	CD61
no addition		1.0	1.0
ND28	1.0	46.7	4.7
	10.0	43.8	3.3
	100.0	52.7	3.0
TPO	1.0	35.7	4.6
	10.0	39.2	5.4
	100.0	29.8	7.3
TPO/ND28	1.0	47.1	4.6
	10.0	42.1	7.1
	100.0	60.1	3.5
TPO-ND28	1.0	47.2	15.3
	10.0	45.5	18.3
	100.0	42.8	13.4

The above Table shows results equivalent to the description at page 54, line 3 up to page 55, line 18 in the present specification. Accordingly, the data shown in Table 7 in the present specification would be reliable.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date : Sept 24, 2003 Name : Yukimasa Shiotsu
Yukimasa Shiotsu, Ph.D.